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FILED

MAR - 2 2001

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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OF

17 Attorneys for Plaintiffs

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19 IN THE UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA

22 JOHN ARMSTRONG, et al.,
23 Plaintiffs,
24 v.
25 GRAY DAVIS, et al.,
26 Defendants.

No. C-94-2307-CW

PLAINTIFFS' RESERVATIONS TO
AMENDED REMEDIAL PLAN

27 Plaintiffs agree that the revised Remedial Plan defendants submitted to the Court on
28 February 26, 2001, fulfills defendants' obligations set forth in the Order Regarding Further
Proceedings in the CDC Portion of the Case of July 25, 2000, with one exception. Plaintiffs take
the position that the Plan must outline specific accommodations to be made to ensure effective

1 communication with learning disabled class members. Defendants have committed to seeking
2 funding for such accommodations. See letter of Steven Cambra, January 16, 2001, attached as
3 Exhibit A. At such time as the funding has been obtained, the parties have agreed that specific
4 agreed-upon language will be incorporated into the Plan. *Id.* If defendants do not obtain the
5 necessary funds in the state's Fiscal Year 2001/2002 budget, plaintiffs reserve their right to
6 challenge the Plan as inadequate under the Remedial Order filed September 20, 1996.

7 Dated: February 28, 2001
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9 DONALD SPECTER
10 Attorney for plaintiffs

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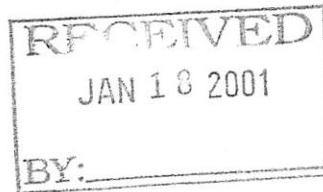
EXHIBIT A

DEPARTMENT OF CORRECTIC

P.O. Box 942883
Sacramento, CA 94283-0001



January 16, 2001



Donald Specter, Esq.
Sara Norman, Esq.
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Correctional Law Unit
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455 Golden Gate Avenue, Room 11000
San Francisco, CA 94102

Dear Counsel:

REVISED ARMSTRONG REMEDIAL PLAN

We are transmitting to you under this cover the approved *Armstrong* Remedial Plan (ARP) of the California Department of Corrections (CDC), revised pursuant to the order of the Ninth Circuit Court of Appeals, issued April 11, 2000. This revised ARP incorporates all those amendments that were the subject of the extended meet and confer between the parties, which continued over much of the last year. We are very pleased that all of the issues were resolved in a manner that benefits both the disabled inmate population of CDC and the efficient, effective administration of the State prison system.

As CDC counsel and program staff have discussed with you, there is one additional area of the program in which we have a meeting of the minds as to appropriate policy, but we cannot commit to it now because of the associated costs. We support the need for special attention to communications with learning disabled inmates in the context of medical consultations and due process. Special care should be taken with inmates who score 4.0 or less on the reading portion of the Test of Adult Basic Education (TABE), to ensure and to document that the inmate is understanding the information sought to be communicated. However, the official policy approval and resources related to the final policy are subject to the approval of outside agencies.

REVISED ARMSTRONG REMEDIAL PLAN

Page 2

As you know, the additional workload created by an extension of that policy to all inmates with a TABE score of 4.0 or less has a substantial price tag. CDC must therefore seek the prior approval of the control agencies and funding from the Legislature. We commit to you our best efforts to obtain that approval and funding, and then to adopt the approved version of the policy in the sections captioned "Effective Communication" and "Disciplinary Process," previously articulated in the December 13, 2000 draft of the revised ARP. The enclosed final version reserves space for the additional language.

We invite you to contact CDC Staff Counsel John van de Erve at (916) 323-7097, or William B. Anderson, Chief, Institutions Services Unit, at (916) 322-8874 if you have any questions.

Sincerely,



STEVEN CAMBRA, JR.

Director (A)
Department of Corrections



JOHN H. SUGIYAMA
Deputy Director
Legal Affairs Division

Enclosure

cc: William Anderson
Matthew Thomas
Judith Harper
John van de Erve

1 DECLARATION OF SERVICE BY MAIL
2

3 Case Name: Armstrong v. Davis USDC No. C-94-2307-CW
4

5 I am employed in the County of Marin, California. I am over the age of 18 years and not a party to
the within entitled cause: my business address is Prison Law Office, General Delivery, San Quentin,
6 California 94964.

7 On February 28, 2001, I served the attached
8

9 **PLAINTIFFS' RESERVATIONS TO AMENDED REMEDIAL PLAN**

10 in said cause, placing, or causing to be placed, a true copy thereof, enclosed in a sealed envelope with
11 postage thereon fully prepaid in the United States Mail at San Rafael, California, addressed as
follows:

12
13 Michael German, DAG
14 Office of the Attorney General
15 455 Golden Gate, Suite 11000
San Francisco, CA 94102-3664

16 Attorney for Defendants
17

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
and correct, and that this declaration was executed at San Rafael, California on February 28, 2001.
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Edie DeGraff
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